

**To:** Brad Ginn[Brad.Ginn@ci.bremerton.wa.us]  
**Cc:** Roger Lubovich[Roger.Lubovich@ci.bremerton.wa.us]  
**From:** Mark Koontz  
**Sent:** Tue 3/9/2010 4:04:06 PM  
**Subject:** Sesko - Gorst Sewer Easement  
2010.02.17 Utility Easement (Sesko's redlines).doc

Brad,

I have attached Ms. Sesko's lawyer's proposed Utility Easement (a red-lined version of our proposal). Please read it. I have a few concerns.

The greatest concern is the changes made to the next to last paragraph. The language that prevents the owner of the land from placing objects on the easement that would interfere with the City's use of the easement has been stricken. This may be interpreted to allow her to build over the easement as long as she does not "disrupt" or "damage" the sewer lines. My understanding is that the primary purpose of this paragraph is to allow the City access in order to maintain, repair, and replace the utility lines. Structures built on top of the sewer lines may not damage or disrupt the lines, but they may prevent the City from accessing the lines.

The next concern I have is that paragraph 2 as amended does not allow for additional appurtenances to the sewer lines or the installation of other utilities. If the City intends to add additional sewer appurtenances or other utilities in the easement area in the future, then this proposed change would prevent that.

Another concern is that Sesko's proposed easement eliminates the phrase "immediately adjacent incidental areas" from paragraph 3. This means that when we repair or maintain the sewer lines, we would have to stay within the easement. If we are not able to stay within the easement area to conduct our repairs and maintenance, then we should not accept this change.

Do any of these proposed changes (or other changes) concern you?

-Mark

Mark E. Koontz  
Assistant City Attorney  
City of Bremerton  
345 Sixth Street, Ste. 600  
Bremerton, WA 98337  
360-473-2345  
[mark.koontz@ci.bremerton.wa.us](mailto:mark.koontz@ci.bremerton.wa.us)

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